

## Brief Summary of 1998 Legislation that Affects IDEM

Enrolled Act No.	Subject(s)	Synopsis	Effective Date
SEA 101	Technical Corrections	Numerous technical corrections were made that affect IDEM.	3/12/98
SEA 158	Underground Storage Tank Grant Program	The Indiana Development Finance Authority (IDFA) may use money in the Underground Storage Tank Guaranty Fund to award grants to owners and operators to assist in the closure or removal of underground storage tanks. An owner or operator must meet certain requirements in order to receive a grant. Guidelines for awarding grants will be developed by the IDFA, IDEM, and the Underground Storage Tank Financial Assurance Board.	7/1/98
SEA 241	Use of Money in the Drinking Water and Wastewater Revolving Loan Funds	Money in the Drinking Water Revolving Loan Fund and money in the Wastewater Revolving Loan Fund may be used by both funds to be used for a leveraged loan program or other financial assistance program.	3/13/98
	Codification of Rulemaking Requirement Regarding Submittal of Plans for the Design or Construction of a Sanitary Sewer or Public Water Main	The noncode rulemaking requirement for the Water Pollution Control Board to adopt rules to eliminate the submittal of plans concerning the design or construction of a sanitary sewer or public water main to any state agency for a permit, permission, or review (unless required by federal law) was codified so that the provision will not expire.	3/13/98
	Nonprofit Water Utility as a Water Authority	A nonprofit water utility may adopt a resolution approved by its board of directors that reconstitutes the nonprofit water utility as a "water authority". A water authority is a political subdivision of the state.	3/13/98
	Pollution Prevention Grants	The scope of the grants program is broadened from "clean manufacturing" to "pollution prevention". "Local units of government" is added to the list of entities eligible to receive grants.	3/13/98

SEA 347	Emergency Management Assistance Compact	The Emergency Management Assistance Compact is a compact that Indiana and other states may enter into to provide for mutual assistance among the party states in managing an emergency or disaster.	3/11/98
SEA 387	Solid Waste Management District Power Restrictions	Two new restrictions of power of a solid waste management district have been added: 1) the power to establish the type of service that a person must provide for the collection or disposal of solid waste or recyclables within the district; and 2) the power to establish fees that a person must charge for the collection or disposal of solid waste or recyclables within the district. Other existing power restrictions were modified. The power restrictions do not apply to activities conducted as part of a household hazardous waste collection and disposal project. The power restrictions do not apply to a contract executed before April 1, 1998.	1/1/98 retroactive
	Waste Management Services	The term “solid waste management services” is changed to “waste management services” to make it consistent with the rest of the section.	7/1/98
	Lake County Solid Waste Management District Board Appointments	The mayors of Gary, Hammond, and East Chicago may appoint a member of the legislative body of their respective cities to serve as a member of the Lake County Solid Waste Management District Board in their place.	7/1/98
SEA 445	Agricultural Nonconforming Use Land	An agricultural nonconforming use of land remains as nonconforming use land as long as the land is used for agricultural purposes for any 3-year period in a 5-year period. Restrictions are placed on a county or municipality regarding agricultural nonconforming use land.	7/1/98
SCR 20	Kyoto Protocol on Global Climate Change	The protocol would require the U.S. to reduce emissions of greenhouse gases by 7% from 1990 levels during the period 2008 to 2012. The Indiana General Assembly calls upon the President of the U.S. to not sign the protocol unless developing countries join in on the effort.	NA
HEA 1011	Recodification of IC 34 Civil Law and Procedure	All of the provisions on civil law and procedure have been recodified. IC 34-1 through IC 34-5 will be repealed on July 1, 1998. Those provisions will be recodified as IC 34-6 through IC 34-57.	7/1/98
HEA 1021	Strategic Lawsuits Against Public Participation (SLAPP) Suits	A person may use as a defense in a motion to dismiss a civil action against the person that the statement made is an act in furtherance of the person’s right of free speech in connection with a public issue.	3/13/98

HEA 1263	Lender and Fiduciary Liability for Environmental Problems	A lender shall be considered to participate in the management of an underground storage tank, a petroleum facility, or a vessel or facility if the lender exercises decision making control: 1) over environmental compliance; or 2) at a level comparable to that of a manager. It outlines under what conditions a fiduciary is not liable in its personal capacity for the release or threatened release of a hazardous substance or petroleum.	3/12/98
	Manufacturing Representative on the Air Pollution Control Board	The requirement for the manufacturing representative appointed to the Air Pollution Control Board is changed by specifying that the representative be employed by an entity that has applied for or received a Title V operating permit.	7/1/98
	Manufacturing Representative on the Water Pollution Control Board	The requirement for the manufacturing representative appointed to the Water Pollution Control Board is changed by specifying that the representative be employed by an entity that holds an NPDES major permit.	7/1/98
	Computing Permit Appeal Times	Computing periods of time concerning : 1) appeals of IDEM determinations to issue or deny permit applications; 2) environmental law judge determinations to assign the matter for an adjudicatory hearing; and 3) air permit or air permit renewal appeals will be based on when the notice is <i>served</i> , rather than beginning with the day the notice is <i>received</i> . Procedures are specified for computing periods of time concerning appeals of IDEM determinations to issue or deny permits.	7/1/98
	Authority to Adopt Rules to Allow Air Permits and Permit Modifications to Become Effective Immediately	The Air Pollution Control Board is given the authority to adopt rules that allow actions taken by the commissioner of IDEM on permits and permit modifications to become effective immediately, regardless of whether a 30-day comment period is held on the permits or permit modifications. The board may adopt these rules only after considering the: 1) environmental significance of; 2) federal requirements for federally delegated or approved programs concerning; and 3) need for opportunity for public participation on; the permits or permit modifications.	7/1/98
HEA 1338	Waste Tires	<i>Indoor</i> waste tire storage sites and waste tire processing operations are required to obtain a certificate of registration from IDEM. Waste tire transporters and indoor waste tire storage sites are required to maintain financial assurance. IDEM is given the authority to revoke, modify, and deny all types of waste tire registrations. The July 1, 2000 expiration date is repealed so that the waste tire registration programs, inspection program, education program, cost recovery authority, Waste Tire Management Fund, and the \$0.25 fee in each new tire will continue after July 1, 2000.	7/1/98